

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC RICHARD,

No. C 09-04767 CW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

ARNOLD A. SCHWARZENEGGER, et al.,

Defendants.

On October 6, 2009, Plaintiff, a state prisoner, filed a document entitled "Sworn 18 U.S.C. § 4 Notice for Criminal Complaint," which the Clerk of the Court construed to be a civil rights action under 42 U.S.C. § 1983. On the same day the action was filed the Clerk sent a notice to Plaintiff, informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk sent Plaintiff a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

More than thirty days have passed and Plaintiff has not paid the filing fee or filed a completed prisoner's in forma pauperis application.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: 12/29/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ERIC RICHARD NELSON,

Plaintiff,

v.

ARNOLD A. SCHWARZENEGGER et al,

Defendant.

Case Number: CV09-04767 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eric Richard J-59564
AKA Eric Richard Eleson
Salinas Valley State Prison
P.O. Box 1050 / A-1-105Low
Soledad, CA 93960

Dated: December 29, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California